

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN, STATE OF NEW JERSEY  
AMENDING CHAPTER 94, ZONING, OF THE CODE OF THE  
BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 94, Zoning, of the Code of the Borough of Merchantville, is amended as follows:

**ARTICLE I.            ARTICLE IV.            SECTION 94-18            Zoning Map.**

The Zoning Map of the Borough of Merchantville as referenced in this Section as attached to and made a part of this Chapter be and hereby is amended to add Block 9, Lots 2, 3 and 4 to the use district designated as the B-2 Neighborhood Business District.

**ARTICLE II.            ARTICLE VIII.            SECTION 94-33.2            Conditional uses.**

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning/Zoning Board.

Conditional uses shall be permitted in the B-1 Zoning District as follows:

- A.     Retail and/or wholesale sales businesses whose sales include any type of firearm including, but not limited to, handguns, rifles, ammunition and the like;
- B.     Any kind of manufacturing, fabricating, altering, finishing or assembling, except as necessarily incidental to a retail trade or service use; and
- C.     All conditional uses as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., subject to any and all conditions set forth therein and herein;
- D.     The Planning/Zoning Board shall not approve any conditional use application for any use under this chapter unless the following general conditions have been met:
  - 1.     Such use is not within 1,000 feet of any property used for school purposes or which is owned by or leased to any elementary or secondary school or school board;

2. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;

3. If the lot, or any portion thereof, for which the application for a conditional use is made is in the Historic District, the requirements of the Historic District section on this Chapter (Article VIIIB, §94-51.1 through §94-51.10) have been met.

4. A site plan application has been made for the lot, the Planning/Zoning Board has approved such conditional use and the requirements and conditions of site plan/conditional use and the requirements and conditions of site plan/conditional use approval have been met;

5. Off street parking shall be provided as required by Ordinance §§94-52; 94-52.1 and 94-53 and the parking required for the proposed conditional use is located on the lot for which the application is made, or on a contiguous lot which must be subject to a covenant running with the land reserving that parking for the proposed conditional use;

6. Such use is located on the ground floor only;

7. The area and yard requirements of §94-34 have been met;

8. The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics;

9. If any signs are to be located upon the lot, the requirements of Article X, Signs, have been met;

10. In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:

a. The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential use or zone;

b. The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent

residential land or buildings.

**ARTICLE III.      ARTICLE VIII.      SECTION 94-33.3      Prohibited uses.**

The following uses are expressly prohibited in the B-1 Zoning District:

A.      Tattooing: Body Piercing; retail service businesses whose service includes any type of massage (excepting yoga studios, certified ayurvedic healing operations and physical therapy uses which are expressly permitted in the B-1 Zoning District) establishments that show film or video of any kind; and bowling alleys or electronic or mechanical games or any kind, including but not limited to pool, billiards or bingo, boarding homes and community residential homes.

**ARTICLE IV.      ARTICLE VIII.      SECTION 94-33.4      Conditional uses –  
Maple Avenue  
Redevelopment Zone.**

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning/Zoning Board.

Conditional uses shall be permitted in the Maple Avenue Redevelopment Zone located within the B-1 Zoning District as follows:

- A.      Tattooing and body piercing establishments;
- B.      Retail and/or wholesale sales businesses whose sales include any type of firearm including, but not limited to, handguns, rifles, ammunition and the like;
- C.      Retail service businesses whose services include any type of massage (excepting yoga studios and certified ayurvedic healing operations which are permitted uses in the Maple Avenue Redevelopment Zone within the B-1 Zoning District); and
- D.      Any kind of manufacturing, fabricating, altering, finishing or assembling, except as

necessarily incidental to a retail trade or service use; and

E. All conditional uses as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., subject to any and all conditions set forth therein;

F. The Planning/Zoning Board shall not approve any conditional use application for any use under this chapter unless the following general conditions have been met:

1. Such use is not within 1,000 feet of any property used for school purposes or which is owned by or lease to any elementary or secondary school or school board;

2. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;

3. If the lot, or any portion thereof, for which the application for a conditional use is made is in the Historic District, the requirements of the Historic District section of this chapter (Article VIIIB, §94-51.1 through §94-51.10) have been met;

4. A site plan application has been made for the lot, the Planning/Zoning Board has approved such conditional use and the requirements and conditions of site plan/conditional use and the requirements and conditions of site plan/conditional use approval have been met;

5. Off street parking shall be provided as required by Ordinance §§94-52; 94-52.1 and 94-53 and the parking required for the proposed conditional use is located on the lot for which the application is made, or on a contiguous lot which must be subject to a covenant running with the land reserving that parking for the proposed conditional use;

6. Such use is located on the ground floor only;

7. The area and yard requirements of §94-34 have been met;

8. The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics;

9. If any signs are to be located upon the lot, the requirements of Article X,

Signs, have been met;

10. In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:

a. The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential use or zone;

b. The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.

**ARTICLE V.            ARTICLE VIIIA.    SECTION 94-37.1            Conditional uses.**

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed.

Conditional uses shall be permitted in the B-2 Zoning District as follows:

- A. Tattooing and body piercing establishments;
- B. Retail and/or wholesale sales businesses whose sales include any type of firearm including, but not limited to, handguns, rifles, ammunition and the like;
- C. Retail service businesses whose services include any type of massage (excepting yoga studios and certified ayurvedic healing operations which are permitted uses in the B-2 Zoning District);
- D. Any kind of manufacturing, fabricating, altering, finishing or assembling, except as necessarily incidental to a retail trade or service use;
- E. All conditional uses as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., subject to any and all conditions set forth therein;
- F. The Planning/Zoning Board shall not approve any conditional use application for any

use under this chapter unless the following general conditions have been met:

1. Such use is not within 1,000 feet of any property used for school purposes or which is owned by or lease to any elementary or secondary school or school board;
2. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
3. If the lot, or any portion thereof, for which the application for a conditional use is made is in the Historic District, the requirements of the Historic District section of this chapter (Article VIIIB, §94-51.1 through §94-51.10) have been met;
4. A site plan application has been made for the lot, the Planning/Zoning Board has approved such conditional use and the requirements and conditions of site plan/conditional use and the requirements and conditions of site plan/conditional use approval have been met;
5. Off street parking shall be provided as required by Ordinance §§94-52; 94-52.1 and 94-53 and the parking required for the proposed conditional use is located on the lot for which the application is made, or on a contiguous lot which must be subject to a covenant running with the land reserving that parking for the proposed conditional use;
6. Such use is located on the ground floor only;
7. The area and yard requirements of §94-38 except as amended by the Maple Avenue Redevelopment Plan, have been met;
8. The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics;
9. If any signs are to be located upon the lot, the requirements of Article X, Signs, have been met;
10. In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:
  - a. The location, size, activity, site layout, street access, pedestrian and

vehicular movement and possible assembly of people shall be harmonious with that residential use or zone.

b. The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.

**ARTICLE VI.      ARTICLE VIIIA.      SECTION 94-37.2      Conditional uses –  
Maple Avenue  
Redevelopment Zone.**

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed.

- A. Tattooing and body piercing establishments;
- B. Retail and/or wholesale sales businesses whose sales include any type of firearm including, but not limited to, handguns, rifles, ammunition and the like;
- C. Retail service businesses whose services include any type of massage (excepting yoga studios and certified ayurvedic healing operations which are permitted uses in the B-2 Zoning District);
- D. Any kind of manufacturing, fabricating, altering, finishing or assembling, except as necessarily incidental to a retail trade or service use;
- E. All conditional uses as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., subject to any and all conditions set forth therein;
- F. The Planning/Zoning Board shall not approve any conditional use application for any use under this chapter unless the following general conditions have been met:

1. Such use is not within 1,000 feet of any property used for school purposes or which is owned by or leased to any elementary or secondary school or school board;
2. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
3. If the lot, or any portion thereof, for which the application for a conditional use is made is in the Historic District, the requirements of the Historic District section of this chapter (Article VIIB, §94-51.1 through §94-51.10) have been met;
4. A site plan application has been made for the lot, the Planning/Zoning Board has approved such conditional use and the requirements and conditions of site plan/conditional use and the requirements and conditions of site plan/conditional use approval have been met;
5. Off street parking shall be provided as required by Ordinance §§94-52; 94-52.1 and 94-53 and the parking required for the proposed conditional use is located on the lot for which the application is made, or on a contiguous lot which must be subject to a covenant running with the land reserving that parking for the proposed conditional use;
6. Such use is located on the ground floor only;
7. The area and yard requirements of §94-38, except as amended by the Maple Avenue Redevelopment Plan, have been met;
8. The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics;
9. If any signs are to be located upon the lot, the requirements of Article X, Signs, have been met;
10. In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:
  - a. The location, size, activity, site layout, street access, pedestrian and



vehicular movement and possible assembly of people shall be harmonious with that residential use or zone.

b. The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.

#### **ARTICLE VII.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

#### **ARTICLE VIII.**

This Ordinance shall take effect upon passage and publication according to law.

#### **THE BOROUGH OF MERCHANTVILLE**

**BY: \_\_\_\_\_**  
**EDWARD F. BRENNAN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by the Borough Council at the regular meeting held on May 11, 2015. This Ordinance will be considered for adoption on final reading and public hearing to be held on June 8, 2015 at 7:30 p.m. in the Council Chambers, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to add certain conditional and prohibited uses to the B-1 and B-2 Zoning Districts in the Code of the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, One West Maple Avenue, Merchantville, New Jersey.